

## **REMARKS**

Claims 1-14 were presented and examined. In response to the Office Action, Claims 1, 6, 10 and 14 are amended. Claims 15 and 16 were cancelled previously. Claims 1-14 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

### **I. Claims Rejected Under 35 U.S.C. §103**

A. Claims 1-5 and 10-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0125040 to Walton, et al. ("Walton") in view of U.S. Publication No. 2002/0110138 to Schramm ("Schramm").

Applicants amend independent Claims 1 and 10 to recite that the transmit power is equal to a sum of  $P_{mean}$ ,  $P_{std}$  and a predetermined transmit power that is used to transmit a pilot or a preamble. Support for the amendment can be found, for example, at page 24, lines 6-8, and Figure 10 of the specification. Applicants submit that Walton in view of Schramm does not teach or suggest these elements.

In this Action, the Examiner recognizes that Walton fails to explicitly disclose the recited transmit power value, asserts that Schramm discloses the recited transmit power value as including a first compensated power value ( $P_{mean}$ ) and a second compensated power value ( $P_{std}$ ).

Applicants disagree with the Examiner's assertion for the following reasons. Schramm discloses a link quality determination unit that calculates the variance of the signal to noise ratio (SNRV) using the mean value of the signal to noise ratio (SNRM). The signal to noise variation and the signal power variation are used to account for the delay spread affecting the link quality (paragraphs 106 and 110). However, Schramm does not disclose calculating the recited  $P_{mean}$ , which corresponds to a difference between the mean of the received SNRs and a predefined mean SNR for the determined antenna method. Schramm also does not disclose the calculation of the sum of  $P_{mean}$ ,  $P_{std}$  and additional power values, where the additional power value is a predetermined transmit power that is used to transmit a pilot or a preamble, as recited in amended Claims 1 and 10.

Specifically, the value SNRM disclosed by Schramm is not the same as the recited  $P_{mean}$ , which corresponds to a difference between the mean of the received SNRs and a predefined mean SNR for the determined antenna method. Rather, SNRM is the mean value of the SNRs.

Further, even if the SNRM is characterized as the recited  $P_{mean}$ , Schramm does not disclose adding SNRM, SNRV and the power for transmitting a pilot or a preamble to determine the transmit power.

Thus, Walton and Schramm cannot be interpreted as disclosing the recited transmit power, which is equal to the sum of  $P_{mean}$ ,  $P_{std}$  and the power for transmitting a pilot or a preamble, as recited in amended Claims 1 and 10.

For at least the reasons mentioned above, the combination of Walton in view of Schramm does not teach or suggest each of the elements of independent Claims 1 and 10, as well as their respective dependent claims. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 1-5 and 10-13 is respectfully requested.

B. Claims 6-9 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Walton in view of U.S. Publication No. 2003/0128674 to Kong, et al. ("Kong").

Applicants amend independent Claims 6 and 14 to recite a receiver or a receiving method that causes a transmitter to adjust transmit power to be equal to the sum of  $P_{mean}$ ,  $P_{std}$ , and a predetermined transmit power that is used to transmit a pilot or a preamble. Walton does not teach or suggest these elements for at least the reasons mentioned above in regard to Claims 1 and 10.

Kong does not supply the missing elements in Walton. The Examiner has not identified and Applicants have been unable to discern any passage of Kong that discloses the recited receiver of receiving method in amended Claims 6 and 14.

For at least the reasons mentioned above, the combination of Walton in view of Kong does not teach or suggest each of the elements of independent Claims 6 and 14, as well as their respective dependent claims. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 6-9 and 14 is respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Eric S. Hyman, Reg. No. 30,139

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(310) 207-3800

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Marilyn Bass

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